

**Commonwealth of Kentucky
Environmental and Public Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**AIR QUALITY PERMIT
Issued under 401 KAR 52:040**

Permittee Name: ATS Construction, LLC

Mailing Address: P.O. Box 11849
Lexington, KY 40578-1849

Source Name: ATS Construction, LLC
Mailing Address: Same as above

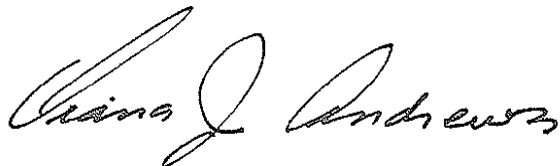
Source Location: Plant #15
Elks Lick Falls Road
Lexington, KY 40515

Permit Number: S-02-029 (Revision 1)
Source A. I. #: 1031
Activity #: APE20060001
Review Type: Minor, Operating
Source ID #: 21-067-00107

Regional Office: Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601

County: Fayette

Application
Complete Date: February 26, 2002
Issuance Date: April 5, 2002
Revision Date: August 25, 2006
Expiration Date: April 5, 2012



**John S. Lyons, Director
Division for Air Quality**

SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application, which was determined to be complete on February 26, 2002, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify an affected facility without first having submitted a complete application and receiving a permit for the planned activity from the Division, except as provided in this permit or in Regulation 401 KAR 52:040, State-origin permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining other permits, licenses, or approvals that may be required by the Cabinet or other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

- 01 (1) Rotary Dryer – Gas, Fuel Oil, or Waste Oil Fired (DC 70 Barber Green)
 (Batch Mix)
 (Maximum Rated Capacity- 307 tons/hour)
 (Control: Primary: Knock-out Box, Secondary: Baghouse)**

APPLICABLE REGULATIONS:

State Regulation 401 KAR 60:005, Standards of performance for new stationary sources, which incorporates by reference 40 CFR 60.90 (40 CFR 60, Subpart I).

State Regulation 401 KAR 52:090, Prohibitory rule for hot mix asphalt plants.

1. Operating Limitations:

Pursuant to State Regulation 401 KAR 52:090, Section 3, the owner or operator shall comply with the following operational limits and fuel usage requirements:

- a. Batch mix plants shall not produce more than 360,000 tons of asphalt during any consecutive twelve (12) month period.
- b. Waste oil shall not be used as a fuel for the rotary dryer or the asphalt heater unless it has been recycled and meets or exceeds the following specifications:
 1. No more than five (5) ppm of arsenic,
 2. No more than two (2) ppm of cadmium,
 3. No more than ten (10) ppm of chromium,
 4. No more than 100 ppm of lead,
 5. No more than 1000 ppm of total halogens, and
 6. Minimum flash point of 100 degrees F.

2. Emission Limitations:

- a. Pursuant to Regulation 40 CFR 60.92(a)(1), particulate matter emissions into the open air shall not exceed 0.04 gr/dscf.
- b. Pursuant to Regulation 40 CFR 60.92(a)(2), any continuous emissions into the open air shall not equal or exceed twenty percent (20%) opacity.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

2. Emission Limitations: (Continued)

Compliance Demonstration Method:

- a. Performance tests used to demonstrate compliance with the particulate matter standard as listed above shall be conducted according to Reference Method 5. The sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf.
- b. In determining compliance with the opacity standard as listed above, the owner or operator shall use Reference Method 9.

3. Testing Requirements:

- a. Pursuant to Section VII 2. (1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least 30 days prior to the date of the required performance test(s), the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the Division's Frankfort office. The protocol form shall be utilized by the Division to determine if a pretest meeting is required. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least 10 working days prior to the test(s).
- b. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

Pursuant to State Regulation 401 KAR 52:090, Prohibitory rule for hot mix asphalt plants, Section 5, monthly logs of asphalt production and fuel usage shall be maintained as follows:

- a. The production log shall show the amount of asphalt produced each month, in tons, and a rolling twelve (12) month total of asphalt production, obtained by adding each month's total to those for the previous eleven (11) months.
- b. The fuel usage log shall show the type and amount of fuels used each month. Fuel oils shall be identified by number (i.e., #2, #4, etc.) and fuel usage shall be expressed in gallons. Material Safety Data Sheets (MSDS) shall be maintained with the fuel usage log for all fuel oils purchased and used. Natural gas fuel usage shall be expressed in millions of cubic feet per month.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Recordkeeping Requirements: (Continued)

- c. All logs and MSDS sheets shall be kept on site for five (5) years from the date of last entry and shall be made available, upon request, for inspection by the cabinet or the U.S. EPA.

See also Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- | | | |
|-----------|-----|---|
| 02 | (2) | Aggregate Handling |
| | (3) | Stockpiles |
| 03 | (-) | Haul Road and Yard Area (Unpaved) |
| | (-) | Haul Road and Yard Area (Paved) |
| 04 | (-) | RAP Receiving Hopper |
| | (-) | RAP Conveyor and Transfer Points (36" From RAP Hopper To RAP Screen) |

APPLICABLE REGULATION:

State Regulation 401 KAR 63:010, Fugitive Emissions, applies to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

The materials processed at each affected facility listed above shall be controlled with wet suppression and/or enclosures so as to comply with the requirements specified in State Regulation 401 KAR 63:010, Fugitive emissions, Section 3, Standards for fugitive emissions.

Compliance Demonstration Method:

See Section C, General Condition F.1.

3. Testing Requirements:

N/A

4. Monitoring Requirements:

See Section C, General Condition F.1.

5. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.1.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 05 (-) **RAP Crusher (Gentec RAP Gator)**
 (Maximum Rated Capacity- 50 tons/hour)
- (-) **RAP Conveyor and Transfer Points (24" From RAP Screen To Rotary Dryer)**

Applicable Regulations:

State Regulation 401 KAR 60:670, New nonmetallic mineral processing plants (40 CFR 60, Subpart OOO as modified by Section 3 of 401 KAR 60:670), applies to each of the affected facilities listed above.

1. Operating Limitations:

N/A

2. Emission Limitations:

- a) Fugitive emissions from the RAP crusher, emission point 05 (-), shall not exhibit greater than fifteen percent (15%) opacity as specified in State Regulation 401 KAR 60:670 (40 CFR 60.672(c)).
- b) Fugitive emissions from the RAP conveyor and transfer points, emission points 05 (-), shall not exhibit greater than ten percent (10%) opacity, as specified in State Regulation 401 KAR 60:670 (40 CFR 60.672(b)).

Compliance Demonstration Method:

In determining compliance with the opacity standards as listed above, the owner or operator shall use Method 9 and the procedures as described in 40 CFR 60.11 and 40 CFR 60.675(c).

3. Testing Requirements:

N/A

4. Monitoring Requirements:

See Section C, General Condition F.1.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Recordkeeping Requirements:

See Section C, General Conditions B.1., B.2., and F.1.

6. Reporting Requirements:

See Section C, General Conditions C.1., C.2., C.3., and F.2.

SECTION C - GENERAL CONDITIONS

A. Administrative Requirements

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of Regulation 401 KAR 52:040, Section 3(1)(b) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. This permit shall remain in effect for a fixed term of ten (10) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division. [401 KAR 52:040, Section 15]
3. Any condition or portion of this permit, which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit.
[Material incorporated by reference by 401 KAR 52:040, Section 1a, 11]
4. Pursuant to materials incorporated by reference by 401 KAR 52:040, the permit contained herein may be revised, revoked, reopened, reissued, or terminated for cause. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance shall not stay any permit condition. [Material incorporated by reference by 401 KAR 52:040, Section 1a, 4 and 5]
5. The permit does not convey property rights or exclusive privileges. [Material incorporated by reference by 401 KAR 52:040, Section 1a, 8].
6. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:040 Section 11(3)]
7. The permit shall be subject to suspension at any time the permittee fails to pay all fees within 90 days after notification as specified in State Regulation 401 KAR 50:038, Air emissions fee. Source shall submit an annual emissions certification pursuant to 401 KAR 52:040, Section 20.
8. All previously issued permits to this source at this location are hereby null and void.

SECTION C - GENERAL CONDITIONS (CONTINUED)

B. Recordkeeping Requirements

1. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of at least five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [Material incorporated by reference by 401 KAR 52:040, Section 1b, IV. 2) and 401 KAR 52:040 Section 3(1)(f)]
2. The permittee shall perform compliance certification and recordkeeping sufficient to assure compliance with the terms and conditions of the permit. Documents, including reports, shall be certified by a responsible official pursuant to State Regulation 401 KAR 52:040, Section 21.

C. Reporting Requirements

1.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Material incorporated by reference by 401 KAR 52:040, Section 1b, V. 3), the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Reporting Requirement condition 1 a) above), the probable cause of the deviation, and corrective or preventive measures taken; to the Division for Air Quality's Frankfort Regional Office.
2. The permittee shall furnish information requested by the cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the permit. [Material incorporated by reference by 401 KAR 52:040, Section 1a, 6].
3. Summary reports of any monitoring required by this permit shall be reported to the Division's Frankfort Regional Office at least every six months during the life of this permit, unless otherwise stated in this permit. The reports are due within 30 days after the end of each six-month reporting period. The initial issuance date of this permit establishes the beginning of the first reporting period. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to 401 KAR 52:040, section 21. All deviations from permit requirements shall be clearly identified in the reports.

SECTION C - GENERAL CONDITIONS (CONTINUED)

D. Inspections

1. In accordance with the requirements of 401 KAR 52:040, Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
 - b. To access and copy any records required by the permit;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency;
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.

Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.

E. Emergencies/Enforcement Provisions

1. The permittee shall not use as defense in an enforcement action, the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Material incorporated by reference by 401 KAR 52:040, Section 1a, 3].
2. An emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division within two working days after the time when emission limitations were exceeded due to the emergency and included a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
3. Emergency provisions listed in General Condition E.2 are in addition to any emergency or upset provision contained in an applicable requirement.
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof.

SECTION C - GENERAL CONDITIONS (CONTINUED)**F. Compliance**

1. Periodic testing or instrumental or non-instrumental monitoring, which may consist of record keeping, shall be performed to the extent necessary to yield reliable data for purposes of demonstration of continuing compliance with the conditions of this permit. For the purpose of demonstration of continuing compliance, the following guidelines shall be followed:
 - a. Pursuant to State Regulation 401 KAR 50:055, General compliance requirements, Section 2(5), all air pollution control equipment and all pollution control measures proposed by the application in response to which this permit is issued shall be in place, properly maintained, and in operation at any time an affected facility for which the equipment and measures are designed is operated, except as provided by State Regulation 401 KAR 50:055, Section 1.
 - b. All the air pollution control systems shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers. A log shall be kept of all routine and non-routine maintenance performed on each control device. Daily observations are required during daylight hours of all operations, control equipment and any visible emissions to determine whether conditions appear to be either normal or abnormal. If the operations, controls and/or emissions appear to be abnormal, the permittee must then comply with the requirements of Section C – General Conditions, C.1.b., of this permit.
 - c. A log of the monthly production rates shall be kept available at the facility. Compliance with the emission limits may be demonstrated by computer program (spread sheets), calculations or performance tests as may be specified by the Division.
2. Pursuant to 401 KAR 52:040, Section 19, the permittee shall annually complete and return a Compliance Certification Form (DEP 7007CC) to the Division's Frankfort Regional Office in accordance with the following requirements:
 - a. Identification of the term or condition;
 - b. Compliance status of each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent;
 - d. The method used for determining the compliance status for the source, currently and over the reporting period; and
 - e. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality Frankfort Regional Office 643 Teton Trail, Suite B Frankfort, KY 40601-1758	Division for Air Quality Central Files 803 Schenkel Lane Frankfort, KY 40601
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3. Permit Shield - A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with all applicable requirements for:
 - a. Applicable requirements included and specifically identified in the permit; or
 - b. Non-applicable requirements expressly identified in this permit.

SECTION D - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 52:040, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
Asphalt Heater	N/A